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SENATE BILL 6115

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State of Washington

60th Legislature

2007 Regular Session

By Senators Brandland, Rasmussen, Holmquist, Kauffman, Clements, Hobbs, McCaslin, Berkey, Marr, Delvin, Shin, Roach, Regala, Stevens, Swecker, Benton, Hargrove, Spanel, Hewitt and Kline

Read first time 02/22/2007. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to special education safety net awards; adding new  
2 sections to chapter 28A.155 RCW; creating new sections; providing an  
3 expiration date; and making appropriations.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds the current special  
6 education safety net process needs to be modified in order to ease the  
7 administrative burden on school districts and to make the process more  
8 transparent and streamlined. It is the intent of the legislature to  
9 maintain the requirement that a school district operate effective and  
10 efficient special education programs in order to be eligible for a  
11 special education safety net award, but at the same time, the  
12 legislature intends to make the application and grant process less  
13 cumbersome and time consuming. It is further the purpose of this act  
14 to provide additional funds through the special education safety net to  
15 assist districts with extraordinary high-cost needs students.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.155  
17 RCW to read as follows:

18 A state special education safety net oversight committee is

1 established to be appointed by the office of the superintendent of  
2 public instruction. In appointing members to the committee, the office  
3 of the superintendent of public instruction shall seek recommendations  
4 from the Washington state school directors' association, the Washington  
5 parent teacher association, the Washington association of school  
6 administrators, the Washington school principals' association, and the  
7 office of financial management. The special education safety net  
8 oversight committee shall have a maximum of fourteen members, exclusive  
9 of alternatives, and shall include the following:

10 (1) One staff person from the office of the superintendent of  
11 public instruction;

12 (2) One staff person from the office of the state auditor, who  
13 shall be a nonvoting member of the committee; and

14 (3) Up to twelve representatives from school districts or  
15 educational service districts knowledgeable in special education  
16 programs and funding.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.155  
18 RCW to read as follows:

19 Safety net funds shall be awarded by the state special education  
20 safety net oversight committee subject to the following conditions and  
21 limitations:

22 (1) The committee shall consider unmet needs for districts that can  
23 convincingly demonstrate that all legitimate expenditures for special  
24 education exceed all available revenues from state funding formulas.  
25 In the determination of need, the committee shall also consider  
26 additional available revenues from federal sources. Differences in  
27 program costs attributable to district philosophy, service delivery  
28 choice, or accounting practices are not a legitimate basis for safety  
29 net awards.

30 (2) The committee shall then consider the extraordinary high-cost  
31 needs of one or more individual special education students.  
32 Differences in costs attributable to district philosophy, service  
33 delivery choice, or accounting practices are not a legitimate basis for  
34 safety net awards.

35 (3) The committee shall then consider extraordinary costs  
36 associated with communities that draw a larger number of families with  
37 children in need of special education services.

1 (4) Safety net awards must be adjusted for any audit findings or  
2 exceptions related to special education funding.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.155  
4 RCW to read as follows:

5 The superintendent of public instruction shall adopt rules  
6 necessary to administer the special education safety net award process.  
7 In adopting such rules, the superintendent shall ensure the application  
8 process to access funding for high-cost students is streamlined,  
9 timelines for submission are not in conflict, feedback to school  
10 districts is timely and provides sufficient information to allow school  
11 districts to know what they need to do to correct any deficiencies in  
12 their safety net application, and that there is consistency between  
13 awards approved by school districts and by application period. The  
14 office of the superintendent of public instruction shall also provide  
15 technical assistance to school districts to assist them in preparing  
16 and submitting their special education safety net application.

17 On an annual basis, the superintendent shall survey districts  
18 regarding their satisfaction with the safety net process and  
19 incorporate feedback to improve the safety net process. Each year by  
20 December 1st, the superintendent shall prepare and submit a report to  
21 the office of financial management and the appropriate policy and  
22 fiscal committees of the legislature that summarizes the survey results  
23 and changes made to the safety net process as a result of the school  
24 district feedback.

25 NEW SECTION. **Sec. 5.** (1) In addition to the responsibilities in  
26 section 3 of this act, the state special education safety net oversight  
27 committee, with the assistance of the office of the superintendent of  
28 public instruction, shall conduct further evaluation of issues raised  
29 in the recently completed review of the special education excess cost  
30 accounting procedures by the office of the superintendent of public  
31 instruction and the 2006 report of the joint legislative audit and  
32 review committee report on the accounting of special education excess  
33 costs. Specifically, the state special education safety net oversight  
34 committee shall evaluate options for modifying or replacing the current  
35 accounting methodology in place for the 2005-06 school year in a way  
36 that better reflects the special education program funding and

1 spending. By November 1, 2008, the oversight committee shall submit a  
2 report to the office of financial management and the appropriate policy  
3 and fiscal committees of the legislature outlining the options for  
4 replacing the current excess cost method. One of the options will be  
5 based on, to the maximum extent appropriate, a full cost accounting.

6 (2) This section expires June 30, 2009.

7 NEW SECTION. **Sec. 6.** (1) The sum of twenty-five million dollars,  
8 or as much thereof as may be necessary, is appropriated for the fiscal  
9 year ending June 30, 2008, from the general fund to the office of the  
10 superintendent of public instruction for the purposes of special  
11 education safety net awards to school districts pursuant to this act.

12 (2) The sum of twenty-five million dollars, or as much thereof as  
13 may be necessary, is appropriated for the fiscal year ending June 30,  
14 2009, from the general fund to the office of the superintendent of  
15 public instruction for the purposes of special education safety net  
16 awards to school districts pursuant to this act.

17 (3) The funds appropriated in this section are in addition to any  
18 special education safety net funds appropriated in section 507 of the  
19 omnibus appropriations act, chapter . . . (SB 5140), Laws of 2007. Any  
20 funds from this appropriation not expended for special education safety  
21 net awards shall be distributed to school districts under section  
22 507(5) of the omnibus appropriations act, chapter . . . (SB 5140), Laws  
23 of 2007.

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